

# MINUTES OF THE NORWALK CITY COUNCIL MEETING ON 12-03-15

(abridged for publication)

Mayor Tom Phillips called the City Council meeting to order at 6:03 p.m. Present at roll call: Erika Isley, Kyle Jackson, Ed Kuhl and Jaki Livingston. Absent at roll call: Erik Delker. (RC = roll call vote)

15-245 Isley moved, Jackson seconded, to approve the **agenda**. Voice vote carried unanimously.

15-246 Isley moved, Jackson seconded, to approve the **minutes** of the November 19, 2015 regular council meeting. Voice vote carried unanimously.

Consent included **tax abatements; liquor license renewal** for China Dragon; **Resolution 1203-15-146** approving the purchase of a building inspections vehicle; **Resolution 1203-15-147** approving the purchase of a police vehicle; Receive and file the **October Treasurer's and Clerks reports**; and the following **expenditures and revenues**:

## COUNCIL CLAIMS:

ADVENTURE LIGHTING	LIGHTS/BLDG MAINT	208.63	LASER RESOURCES	TONER CARTIDGE	169.24
AHLERS & COONEY, P.C.	LABOR AND EMPLOY	408.00	MCCLURE ENG	NORWALK NCIS	8,800.00
AIA CORPORATION	CLOTHING ALLOW	172.70	MCHS EMS PROGRAM	SUBSCRIP/EDU	10.00
AMANDA FLETCHER	REFUND	15.00	MEDIACOM	TELECOM	142.40
ARL	INTAKE	125.00	MWA	MONTHLY FEE	28,320.30
BLUE TARP FINANCIAL	VEHICLE REPAIR	179.98	MIDWEST K-9	BOARDING	40.00
BOUND TREE MEDICAL	MED SUPPLIES	266.23	MUNICIPAL SUPPLY	METERS & COUPLINGS	8,902.00
CARPENTER UNIFORM	ALLOWANCE	408.58	NANCY KUEHL	REIMBURSE KUEHL	167.39
CITY BRAKE & IMPORT	REPAIR 128	202.91	N WAR TOWN & CTY	ORD 15 10	6.98
ED ROEHR SAFETY PROD	OPERATING SUPPLIES	219.75	NORTHLAND	JETER	427.20
ELECTRICAL ENG & EQUIP	BLDG MAINT PW	141.84	NORWALK READY MIXED	LIMESTONE	1,140.00
FAREWAY	ADULT PROGRAMMING	43.79	OVERHEAD DOOR CO	BLDG MAINT	945.70
FIRE SERVICE TRAINING	EDUC/TRAINING	50.00	PEEK SALES & SVC	REPAIR 616	221.27
G & L CLOTHING	CLOTHING ALLOWANCE	507.91	PEPSI-COLA	OPERATING SUPPLIES	202.78
GREGG YOUNG	REPAIR 31	53.95	PITNEY BOWES	POSTAGE MACHINE	735.00
GRIMES ASPHALT	SUPPLIES	1,312.50	PITNEY BOWES	RED INK CARTRIDGE	175.08
HENDERSON TRUCK EQUIP	CHAIN/CYLINDER	752.82	PUSH PEDAL PULL	SET UP FEE	135.12
HILLTOP TIRE	REPAIR MOWER	127.76	SCOTTS FOODS	SUPPLIES	180.95
IABO	MEMBERSHIP	50.00	SPRINGER PEST SOL	PEST CONTROL	68.00
INDOFF INC	OFFICE SUPPLIES	414.09	STANDRIDGE GROUP	WORKORDER FORMS	845.00
IOWA STATE UNIV	SUBSCRIP/EDU	120.00	STOREY KENWORTHY	LASER SLIPS	68.79
J & K CONTRACTING, LLC	IMPROVEMENTS	19,552.30	THE CUTTING EDGE	TILE PROJECT	3,150.00
JAIME CAMPBELL	REFUND	67.75	DM REGISTER	SUBSCRIPTION	32.29
JIMS JOHNS	MCANINCH PARK	300.00	TRUCK EQUIPMENT	REPAIR LIFT TRUCK	38.56
KELLY CORTUM INC	ENGINEERING EXP	6,917.38	VERIZON WIRELESS	TELECOM	2,008.29
KELTEK INCORPORATED	MAINTENANCE AGREE	1,458.50	WADE WAGONER	MILEAGE REIMBURSE	61.53
KRYGER GLASS CO	REPAIR 127	64.50	ZIEGLER INC.	LIFTSTATION	250.24

## OCTOBER MTD REVENUE:

General Fund	\$1,312,802.43
Trust and Agency	\$8,342.58
Road Use Tax	\$84,092.02
Special Revenue	\$423,018.96
TIF	\$738,481.69
HIDTA Forfeiture	\$0.00
Economic Development	\$2.90
Emergency Fund	\$2.53
Debt Service	\$634,461.33
Capital Projects	\$148.91
Enterprise Fund	\$375,630.88
Equipment Revolving	\$28.93
TOTAL	\$3,577,013.16

15-247 Motion by Isley, seconded by Livingston, to approve the **consent** agenda passed unanimously, RC.

Phillips opened the **public hearing** on the designation of the expanded and amended Norwalk Urban Renewal Area and Urban Renewal Plan Amendment 6:14 p.m. Eddleman reported receiving no comments. With no one present wishing to speak, Phillips closed the public hearing at 6:15 p.m.

15-248 Motion by Isley, seconded by Kuhl, to adopt **Resolution 1203-15-148 to declare necessity and establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and Approve Urban Renewal Plan Amendment for the 2015 Addition to the Norwalk Urban Renewal Area West Grove Preliminary Plat** passed unanimously, RC

15-249 Motion by Kuhl, seconded by Jackson, to pass the first, of three, readings of a proposed **ordinance providing for the division of taxes levied on taxable property in the 2015 addition to the Norwalk Urban Renewal Area, pursuant to section 403.19 of the code of Iowa** passed unanimously, RC.

Phillips opened the **public hearing** on the vacating of easements on and closing of, Mastellar Road at 6:17 p.m. Eddleman reported receiving no comments.

Scott James, James Oil Company read a statement to the council regarding the issues of concern he has on Mastellar Road being closed.

Scott McMurray, United Properties, said the road was partially demolished per the grading permit.

Dave Hixenbaugh 4903 Lakewood Drive, suggested James Oil trucks approach from the east.

Oliver noted that this is consideration of a resolution referring the proposed vacation of the easement of Mastellar Road to the Planning and Zoning Commission; council is not voting on closing Mastellar Road or vacating any easements at this time.

Kuhl asked Dougherty what options the council has.

Jackson said he would like to see United Properties and Scott James reach an agreement as soon as they possibly can.

Phillips closed the public hearing at 6:34 p.m.

Phillips opened the **public hearing** to consider a rezoning request for the North Shore planned Unit Development area, north of Lake Colchester, south of Iowa

Highway 5 and west of Iowa Highway 28 at 6:35 p.m. Eddleman reported receiving no comments. With no one present wishing to speak, Phillips closed the public hearing at 6:36 p.m.

15-250 Motion by Kuhl, seconded by Isley, to adopt **Resolution 1203-15-149 referring the proposed vacation of the right of way easement of Mastellar Road to the Planning and Zoning Commission** passed unanimously, RC.

15-251 Motion by Kuhl, seconded by Isley, to pass the first, of three readings of proposed of a **ordinance amending the official zoning map of the City of Norwalk, Iowa, by rezoning certain property from R-1 (80), R-4, C-0 and C-2 to Planned Unit Development (PUD) and to adopt the Master Plan and establish the rules, regulations, and guidelines for the development of the North Shore PUD.** Passed 3 to 1 with Jackson abstaining, RC.

15-252 Motion by Kuhl, seconded by Isley, to **remove consideration of reading, or readings, for a proposed ordinance amending the following sections of the Zoning Ordinance: Definitions, Non-conforming Accessory Structures; exceptions and modifications/ home occupations/ privately owned improvements; bulk regulations table; zoning districts; multi-family off street parking; buffers; and architectural-standards from the table.** Passed unanimously, RC.

15-253 Motion by Livingston, seconded by Isley to pass the first, of three, readings of a proposed **ordinance with the exception of the multi-family off street parking section, which is being tabled, amending the following sections of the Zoning Ordinance: Definitions, Non-conforming Accessory Structures; exceptions and modifications/ home occupations/ privately owned improvements; bulk regulations table; zoning districts; multi-family off street parking; buffers; and architectural, standards.** Passed unanimously, RC.

15-254 Motion by Isley, seconded by Livingston to **table the multi-family off street parking section.** Passed unanimously, RC.

15-255 Jackson moved, Kuhl seconded, to **adjourn** meeting at 7:12 p.m. Voice vote carried unanimously.

---

Tom Phillips, Mayor

Attest:

---

Jodi Eddleman, City Clerk

## MINUTES OF THE NORWALK CITY COUNCIL MEETING ON 12-03-15 (Unabridged)

Mayor Tom Phillips called the City Council meeting to order at 6:03 p.m. Present at roll call: Erika Isley, Kyle Jackson, Ed Kuhl and Jaki Livingston. Absent at roll call: Erik Delker. (RC = roll call vote)

Staff present included: Marketa Oliver, City Manager; Jodi Eddleman, City Clerk; Jean Furler, Finance Director; Tim Hoskins, Public Works Director; Nancy Kuehl, Parks and Recreation Director; Holly Sealine, Library Director; Greg Staples, Police Chief; Wade Wagoner, Planning and Economic Development Director; Ryan Coburn, Acting Fire Chief; Luke Parris, City Planner and Jim Dougherty, City Attorney.

15-245 Isley moved, Jackson seconded, to approve the **agenda**. Voice vote carried unanimously.

### Presentation(s)

Mayor Phillips swore in new council member Ed Kuhl.

Mayor Phillips presented the Norwalk Warriors Debate team with window clings and congratulated them on winning the Central Iowa Debate League Championship.

### Welcome of Guests and Public Comment

With no one present wishing to speak, Mayor Phillips opened the City Council meeting.

15-246 Isley moved, Jackson seconded, to approve **minutes** of the November 19, 2015 regular council meeting. Voice vote carried unanimously.

Consent included **tax abatements; liquor license renewal** for China Dragon; **Resolution 1203-15-146** approving the purchase of a building inspections vehicle; **Resolution 1203-15-147** approving the purchase of a police vehicle; Receive and file the **October Treasurer's and Clerks reports**; and the following **expenditures and revenues**:

ADVENTURE LIGHTING	LIGHTS/BLDG MAINT	208.63	LASER RESOURCES	TONER CARTIDGE	169.24
AHLERS & COONEY, P.C.	LABOR AND EMPLOY	408.00	MCCLURE ENG	NORWALK NCIS	8,800.00
AIA CORPORATION	CLOTHING ALLOW	172.70	MCHS EMS PROGRAM	SUBSCRIP/EDU	10.00
AMANDA FLETCHER	REFUND	15.00	MEDIACOM	TELECOM	142.40
ARL	INTAKE	125.00	MWA	MONTHLY FEE	28,320.30
BLUE TARP FINANCIAL	VEHICLE REPAIR	179.98	MIDWEST K-9	BOARDING	40.00
BOUND TREE MEDICAL	MED SUPPLIES	266.23	MUNICIPAL SUPPLY	METERS & COUPLINGS	8,902.00
CARPENTER UNIFORM	ALLOWANCE	408.58	NANCY KUEHL	REIMBURSE KUEHL	167.39
CITY BRAKE & IMPORT	REPAIR 128	202.91	N WAR TOWN & CTY	ORD 15 10	6.98
ED ROEHR SAFETY PROD	OPERATING SUPPLIES	219.75	NORTHLAND	JETER	427.20

ELECTRICAL ENG & EQUIP	BLDG MAINT PW	141.84	NORWALK READY MIXED	LIMESTONE	1,140.00
FAREWAY	ADULT PROGRAMMING	43.79	OVERHEAD DOOR CO	BLDG MAINT	945.70
FIRE SERVICE TRAINING	EDUC/TRAINING	50.00	PEEK SALES & SVC	REPAIR 616	221.27
G & L CLOTHING	CLOTHING ALLOWANCE	507.91	PEPSI-COLA	OPERATING SUPPLIES	202.78
GREGG YOUNG	REPAIR 31	53.95	PITNEY BOWES	POSTAGE MACHINE	735.00
GRIMES ASPHALT	SUPPLIES	1,312.50	PITNEY BOWES	RED INK CARTRIDGE	175.08
HENDERSON TRUCK EQUIP	CHAIN/CYLINDER	752.82	PUSH PEDAL PULL	SET UP FEE	135.12
HILLTOP TIRE	REPAIR MOWER	127.76	SCOTTS FOODS	SUPPLIES	180.95
IABO	MEMBERSHIP	50.00	SPRINGER PEST SOL	PEST CONTROL	68.00
INDOFF INC	OFFICE SUPPLIES	414.09	STANDRIDGE GROUP	WORKORDER FORMS	845.00
IOWA STATE UNIV	SUBSCRIP/EDU	120.00	STOREY KENWORTHY	LASER SLIPS	68.79
J & K CONTRACTING, LLC	IMPROVEMENTS	19,552.30	THE CUTTING EDGE	TILE PROJECT	3,150.00
JAIME CAMPBELL	REFUND	67.75	DM REGISTER	SUBSCRIPTION	32.29
JIMS JOHNS	MCANINCH PARK	300.00	TRUCK EQUIPMENT	REPAIR LIFT TRUCK	38.56
KELLY CORTUM INC	ENGINEERING EXP	6,917.38	VERIZON WIRELESS	TELECOM	2,008.29
KELTEK INCORPORATED	MAINTENANCE AGREE	1,458.50	WADE WAGONER	MILEAGE REIMBURSE	61.53
KRYGER GLASS CO	REPAIR 127	64.50	ZIEGLER INC.	LIFTSTATION	250.24

OCTOBER MTD REVENUE:

General Fund	\$1,312,802.43
Trust and Agency	\$8,342.58
Road Use Tax	\$84,092.02
Special Revenue	\$423,018.96
TIF	\$738,481.69
HIDTA Forfeiture	\$0.00
Economic Development	\$2.90
Emergency Fund	\$2.53
Debt Service	\$634,461.33
Capital Projects	\$148.91
Enterprise Fund	\$375,630.88
Equipment Revolving	\$28.93
TOTAL	\$3,577,013.16

15-247 Motion by Isley, seconded by Livingston, to approve the **consent** agenda passed unanimously, RC.

Phillips opened the **public hearing** on the designation of the expanded and amended Norwalk Urban Renewal Area and Urban Renewal Plan Amendment 6:14 p.m. Eddleman reported receiving no comments.

Phillips closed the public hearing at 6:15 p.m.

15-248 Motion by Isley, seconded by Kuhl, to adopt **Resolution 1203-15-148 to declare necessity and establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and Approve Urban Renewal Plan Amendment for the 2015 Addition to the Norwalk Urban Renewal Area West Grove Preliminary Plat** passed unanimously, RC

15-249 Motion by Kuhl, seconded by Jackson, to pass the first, of three, readings of a proposed **ordinance providing for the division of taxes levied on taxable property in the 2015 addition to the Norwalk Urban Renewal Area, pursuant to section 403.19 of the code of Iowa** passed unanimously, RC.

Phillips opened the **public hearing** on the vacating of easements on and closing of, Masteller Road at 6:17 p.m. Eddleman reported receiving no comments.

Scott James, James Oil Company read a statement to the council regarding the issues of concern he has on Masteller Road being closed. James asked the council who gave the okay to start tearing out Masteller Road before this public hearing. His concern is that it will cause a huge safety issue on Beardsley because the entrance is too close to the stop light. The trucks are too long and they simply cannot make the turn. He is asking the Council to leave the remaining part of the road open until the developer and James Oil can come to an agreement. He further said that in no way does James Oil want to hold up the project, but they need to safely access the property until an agreement is reached.

Jackson asked if he has been talking to the developer about this. James said it has been quiet.

Scott McMurray, United Properties, said the demolition was done through the grading permit. They are hopeful that they can come to an agreement with Mr. James.

McMurray would like to get the rest of Masteller demolished so they can move dirt.

Dave Hixenbaugh 4903 Lakewood Drive asked if there was any reason the trucks could not approach from the east to alleviate the problem of the tanker sticking out on Highway 28. James said that Beardsley Street is not a truck route.

Oliver noted that this is consideration of a resolution referring the proposed vacation of the easement of Masteller Road to the Planning and Zoning Commission; council is not voting on closing Masteller Road or vacating any easements at this time. She noted this so that everyone understood the process. The Planning and Zoning Commission will discuss the matter and make a recommendation back to Council.

Kuhl asked McMurray if leaving that bit of road would negatively impact the development. McMurray said yes that a new street will be put in and the remaining road cannot remain due to that construction.

Kuhl asked what options the council has. Dougherty said the council can partially close the road, close the road, leave it open, etc. Dougherty said they would not want to close the entire road anyway because they will want to keep the access onto the highway. The council can choose not to close it or to keep

it until the new road is built and James Oil has access to the new road further to the east.

Jackson said he does not support a long-term opening of the current Masteller Road. He would like to see United Properties and Scott James reach an agreement as soon as they possibly can.

McMurray said to keep in mind that they are planning on moving forward with this development regardless. Their development is not contingent on the acquisition of Mr. James' parcel. Connection to the new Masteller is problematic because they own all the ground around it.

Phillips closed the public hearing at 6:34 p.m.

15-250 Motion by Kuhl, seconded by Isley, to adopt **Resolution 1203-15-149 referring the proposed vacation of the right of way easement of Masteller Road to the Planning and Zoning Commission** passed unanimously, RC.

Phillips opened the **public hearing** to consider a rezoning request for the North Shore planned Unit Development area, north of Lake Colchester, south of Iowa Highway 5 and west of Iowa Highway 28 at 6:35 p.m. Eddleman reported receiving no comments.

No one present wished to speak. Phillips closed the public hearing at 6:36 p.m.

15-251 Motion by Kuhl, seconded by Isley, to pass the first, of three readings of proposed of an **ordinance amending the official zoning map of the City of Norwalk, Iowa, by rezoning certain property from R-1 (80), R-4, C-0 and C-2 to Planned Unit Development (PUD) and to adopt the Master Plan and establish the rules, regulations, and guidelines for the development of the North Shore PUD**. Motion carried, with Jackson abstaining, RC.

15-252 Motion by Kuhl, seconded by Isley, to remove from the table consideration of reading, or readings, for a proposed ordinance amending the following sections of the Zoning Ordinance: Definitions, Non-conforming Accessory Structures; exceptions and modifications/ home occupations/ privately owned improvements; bulk regulations table; zoning districts; multi-family off street parking; buffers; and architectural-standards. Passed unanimously, RC.

15-253 Motion by Livingston, seconded by Isley to pass the first, of three, readings of a proposed **ordinance with the exception of the multi-family off street parking section that affected the garage requirements for apartments, which is being tabled, amending the following sections of the Zoning Ordinance: Definitions, Non-conforming Accessory Structures; exceptions and modifications/ home occupations/ privately owned improvements; bulk regulations table; zoning districts; multi-family off street parking; buffers; and architectural, standards.** Passed unanimously, RC.

15-254 Motion by Isley, seconded by Livingston to table the multi-family off street parking section that affects the garage requirements for apartments. Passed unanimously, RC.

### **NCIS Project Update**

Hoskins reported that Wakonda Drive is 76% project completed and 117% of the time used. Driveways are being poured currently. The intersection of Hwy 28 and Wakonda is being removed and poured in the next few days. The stormwater pipe is being put in. Phillips asked if we are getting to a point where it is too cold to do asphalt work so the work at the finger pond will not happen until Spring and Hoskins said that is correct.

Holly Drive is virtually complete. They put permanent stop signs in today. They approved MidAmerican Energy's application to reinstall the streetlights.

### **Reports**

Oliver introduced Jean Furler, the city's new Finance Director.

Staples said Officer Bryant has finished his field training. Officer Dunlap graduates from the academy tomorrow and begins field training.

Parris said he has been working with the MPO to get roads added to the federal roadway classification. The MPO announced today the addition of three of the city's roads, including the entire length of Beardsley Street, 50th Avenue and 80th Avenue.

Wagoner let council know that he has been communicating with Mr. James and was surprised to hear that Mr. James characterized the communication as not very good.

Kuhl said it is an honor to be here and looks forward to the challenges.

15-255 Jackson moved, Kuhl seconded, to **adjourn** meeting at 7:12 p.m. Voice vote carried unanimously.

---

Tom Phillips, Mayor

Attest:

---

Jodi Eddleman, City Clerk